UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
KIM, PAUL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 March 2007</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive to the following communication: Amendment filed on 6 March

2007.

2.   Claims 1-28 are pending and present for examination. Claims 1, 12, 23, and 27-28 are

independent.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued.

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 6 March 2007 has been entered.

Response to Amendment

4.   Claims 1, 3-5, 12, 14-16, 19-21, 23, 26, and 27-28 have been amended.

5.   No claims have been cancelled.

6.   No claims have been added.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

8.   **Claims 1-11** are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative

and therefore lacks utility. Claim 1 recites the limitation of "immediately viewing one or more images of a

selected study regardless of the percentage already received." However, it is noted that images cannot

be immediately viewed if zero percent of the selected study has been received.   That is, if none of the

selected study has been received, and hence no images have been received, then the client computer

would have to pull the images from the publication server. Therefore, the invention, as disclosed, would

be inoperative in that the images may not be immediately viewed.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was
> made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

10.   **Claims 1-7, 9-10, 12-13, 15-18, 20-21, 23, and 26-28** are rejected under 35 U.S.C. 103(a)

as being anticipated by Rothschild et al (USPBPUG 2002/0016718, hereinafter referred to as

ROTHSCHILD), filed on 1 June 2001, and published on 7 February 2002, in view of Cooke, Jr. et al (U.S.

Patent No. 6,574,629, hereinafter referred to as COOKE), filed on 23 December 1998, and issued on 3

June 2003.

        ROTHSCHILD discloses the limitations of claims 1-7, 9-10, 12-13, 15-18, 20-21, 23, and 26-28 for

the reasons below.

        ROTHSCHILD differs from the claimed invention in that ROTHSCHILD fails to specifically disclose

the method wherein a download may be interrupted (claims 1, 12, 23, 27, and 28).

11.   **As per independent claim 1,** ROTHSCHILD, in combination with COOKE, discloses:

A system for publishing images over a communication network, comprising:

    a study storage device for storing a plurality of studies, each study comprising one or
        more images {See ROTHSCHILD, Para. [0159], wherein this reads over "incorporates more robust
        database platform"};

    a publication server coupled to said communications network {See ROTHSCHILD, Para.
        [0157], wherein this reads over "the central data management system will include . . . advanced
        servers"}, said publication server adapted to enter an automatic mode wherein one
        or more studies from among said plurality of studies are automatically sent to a

client computer coupled to said communications network as they become
available on said study storage device {See ROTHSCHILD, Para. [0094], wherein this reads
over "images from an imaging center are delivered to a database and routed to the viewer without
requiring the user to access the database to retrieve image data"; and Para. [0162], wherein this
reads over "[t]he central data management system actively "pushes" the electronic records and
associated images to the remote image viewing systems . . . as soon as the images are available"};

said client computer adapted to receive said one or more studies and store them in a
local cache {See ROTHSCHILD, Para. [0174], wherein this reads over "[r]emote image viewing
system also preferably incorporates . . . a database"}; and

said client computer comprising means for a user to enter an interactive mode
whereby said automatic mode is interrupted and an interactive viewing session is
initiated for immediately viewing one or more images of a selected study
regardless of the percentage already received {See COOKE, Figure 21, col. 30, lines 30-
48, wherein this reads over "button 242 halts a queue; button 243 restarts a halted queue"},
wherein said one or more images of said selected study are displayed first using
data already in said local cache {See ROTHSCHILD, Para. [0162], wherein this reads over
"[t]he central data management system actively "pushes" the electronic records and associated
images to the remote image viewing systems . . . as soon as the images are available" }, and
second from data obtained from said publication server using progressive image
streaming techniques in response to requests for one or more regions of interest
(ROI) representing required study data not found in said local cache {See
ROTHSCHILD, Para. [0162], wherein this reads over "the "pull" model where the images are stored
on a server and a user has to login and initiate a download in order to view the images"; and Para.
[0166], wherein this reads over "a web-based 'pull' functionality will also be available to facilitate
secure data access"}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the above invention suggested by ROTHSCHILD by combining it with the invention

disclosed by COOKE. The results of this combination would lead to a method for publishing images over

a communication network, wherein the user may interrupt the transmission of a selected study is

complete by halting the download. Having halted the queue, the user may then immediately view the

downloaded portion of the study prior to having downloaded the complete study.

One of ordinary skill in the art would have been motivated to do this modification

because the user may desire to immediately view images of a study without having to wait for

the complete study to be downloaded.

12.   **As per dependent claims 2, 13, and 26**, ROTHSCHILD, in combination with COOKE,

discloses:

The system according to claim 1, wherein said publication server is adapted to send said
one or more studies to said client computer {See ROTHSCHILD, Para. [0162], wherein this

reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available"} in accordance with a set of publication rules {See ROTHSCHILD, Para. [0104], wherein this reads over "[t]he [routing] logic will then create route requests to transmit the image file to the appropriate viewer based on routing logic that determines where the image file is to be forwarded"}.

13. **As per dependent claim 3**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 2, wherein said publication rules comprises instructions for determining, for each new study, which clients are to receive it {See ROTHSCHILD, Para. [0104], wherein this reads over "[t]he [routing] logic will then create route requests to transmit the image file to the appropriate viewer based on routing logic that determines where the image file is to be forwarded"}.

14. **As per dependent claims 4 and 15**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 1, wherein said client computer comprises means for using only <u>required</u> data stored in said local storage <u>when</u> said user initiates a viewing session of said selected study after all data for said selected study is completely received {See ROTHSCHILD, Para. [0107], wherein this reads over "[o]nce studies are transmitted to the viewer, they are automatically stored in the viewer's database":; and Para. [0254], wherein this reads over "[a] user at the viewing station may open the files stored in the viewer database that are awaiting the user when the user needs the file"}.

15. **As per dependent claims 5 and 16**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 1, wherein said client computer comprises means for using progressive image streaming techniques to retrieve data from said publication server for said selected study <u>when</u> <u>said</u> user initiates a viewing session of said selected study before any data corresponding thereto has been received by said client computer {See ROTHSCHILD, Para. [0162], wherein this reads over "the "pull" model where the images are stored on a server and a user has to login and initiate a download in order to view the images"; and Para. [0166], wherein this reads over "a web-based 'pull' functionality will also be available to facilitate secure data access"}.

16. **As per dependent claims 6 and 17**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 1, wherein said client computer comprises data pull means adapted to periodically poll said publication server for new studies that have not yet been retrieved {See ROTHSCHILD, Para. [0085], wherein this reads over "[t]he polling system is an automated system within the remote workstation or viewer that polls the central data management system for queued data"}.

17. **As per dependent claims 7 and 18**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 1, wherein said client computer comprises data push means adapted to configure said publication server to automatically check for and send new studies that have not yet been transmitted to said client {See ROTHSCHILD, Para. [0036], wherein this reads over "[a] method that pushes electronic records containing medical images to healthcare providers outside of the medical imaging center soon after the medical images are taken so that the healthcare providers may view the images without the need to remotely access a central image storage cite and find and download a specific, desired image for viewing"}.

18.   **As per dependent claims 9 and 20**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 1, wherein said client computer comprises means whereby if said user initiates a viewing session of said selected study after data is completely received by said client, then said client utilizes said data to provide instant rendering of images within said selected study {See ROTHSCHILD, Para. [0175], wherein this reads over "have access quickly to the entire data set"}.

19.   **As per dependent claims 10 and 21**, ROTHSCHILD, in combination with COOKE, discloses:

The system according to claim 1, further comprising means for permitting said user to freely switch back and forth between automatic mode and interactive mode without the need to switch protocols {See ROTHSCHILD, Para. [0166], wherein this reads over "in addition to the above mentioned 'push' delivery service, a web-based 'pull' functionality will also be available to facilitate secure data access"}.

20.   **As per independent claims 12 and 27**, ROTHSCHILD teaches:

An image publication system for use on a client computer coupled to a communications network, comprising:

first means for receiving a first command from a user to enter an automatic mode whereby new studies are sent automatically from a publication server to said client computer over said communications network as they become available {See ROTHSCHILD, Para. [0094], wherein this reads over "images from an imaging center are delivered to a database and routed to the viewer without requiring the user to access the database to retrieve image data"; and Para. [0162], wherein this reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available"};

a local <u>cache</u> for storing said studies upon receipt {See ROTHSCHILD, Para. [0174], wherein this reads over "[r]emote image viewing system also preferably incorporates . . . a database"};

second means for receiving said studies and for storing them in said local <u>cache</u> {See ROTHSCHILD, Para. [0174], wherein this reads over "[r]emote image viewing system also preferably incorporates . . . a database"};

<u>third means for receiving as second command from said user to interrupt said automatic mode and to immediately enter an interactive mode regardless of the percentage of said selected already received</u> {See COOKE, Figure 21, col. 30, lines 30-48, wherein this reads over "button 242 halts a queue; button 243 restarts a halted queue"}, <u>whereby one or more images of a selected study are viewed first using image data present in said local cache</u> {See ROTHSCHILD, Para. [0162], wherein this reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available" }, <u>and second from data obtained from said publication server using progressive image streaming techniques in response to requests for one or more regions of interest (ROI) representing required study data not found in said local cache</u> {See ROTHSCHILD, Para. [0162], wherein this reads over "the "pull" model where the images are stored on a server and a user has to login and initiate a download in order to view the images"; and Para. [0166], wherein

this reads over "a web-based 'pull' functionality will also be available to facilitate secure data access"};and

> fourth means for decoding data received from said publication server in response to said one or more requests for one or more ROIs {See ROTHSCHILD, Para. [0253], wherein this reads over "[w]hen the message is received and decoded, the storage and extraction logic 423 stores the image file in the viewer database 424 which includes a relational database"}.

21.   **As per independent claims 23 and 28**, ROTHSCHILD teaches:

An image publication system for use on a publication server computer coupled to a communications network, comprising:

> first means for receiving instructions from a client computer coupled to said communications network, said first means for configuring said publication server computer in an automatic publishing mode whereby new studies are automatically sent to automatically send new studies to said client computer as said studies become available {See ROTHSCHILD, Para. [0094], wherein this reads over "images from an imaging center are delivered to a database and routed to the viewer without requiring the user to access the database to retrieve image data"; and Para. [0162], wherein this reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available"};

> second means for interrupting said automatic publishing mode and immediately switching to an interactive mode {See COOKE, Figure 21, col. 30, lines 30-48, wherein this reads over "button 242 halts a queue; button 243 restarts a halted queue"} in response to a command received from a user before transmission of data for a study selected by said user is complete {See ROTHSCHILD, Para. [0104], wherein this reads over "[t]he [routing] logic will then create route requests to transmit the image file to the appropriate viewer based on routing logic that determines where the image file is to be forwarded"}, said command comprising a request for specific layers of accuracy for regions of interest of said selected study {See ROTHSCHILD, Para. [0143], wherein this reads over "using medical imaging system to obtain a set of images associated with a target region of a patient's body"}; and

> third means for sending said specific layers of accuracy for regions of interest of said selected study to said client computer in response to said requests {See ROTHSCHILD, Para. [0143], wherein this reads over "[t]he local image workstation archives the data locally, and then 'pushes' the electronic record to central management system"; and Para. [0162], wherein this reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available"}.

22.   **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over ROTHSCHILD, in view of

Applicant's admitted prior art (hereinafter referred to as ADMITTED PRIOR ART), and in further view of

COOKE.

23.   **As per independent claim 1**, ROTHSCHILD, in combination with the ADMITTED PRIOR ART

directed towards a Picture Archiving and Communication System (PACS), discloses:

A system for publishing images over a communication network, comprising:

a study storage device for storing a plurality of studies, each study comprising one or more images {See ADMITTED PRIOR ART, Para. [0004], wherein this reads over "[a] typical PACS system includes one or more imaging sources, an archive or image database and multiple viewing stations"; Para. [0007], wherein this reads over "an image . . . is stored on an image archive or storage facility"; and Para. [0009], wherein this reads over "contents of studies include one or more radiological images"};

a publication server coupled to said communications network {See ADMITTED PRIOR ART, Para. [0005], wherein this reads over "[u]sers are typically connected to the PACS server computer over a communications network"}, said publication server adapted to enter an automatic mode wherein one or more studies from among said plurality of studies are automatically sent to a client computer coupled to said communications network as they become available on said study storage device {See ROTHSCHILD, Para. [0094], wherein this reads over "images from an imaging center are delivered to a database and routed to the viewer without requiring the user to access the database to retrieve image data"; and Para. [0162], wherein this reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available"};

said client computer adapted to receive said one or more studies and store them in a local storage {See ADMITTED PRIOR ART, Para. [0010], wherein this reads over "sending the entire study data from the image storage location to the user's client workstation"}; and

said client computer comprising means for a user to enter an interactive mode whereby said automatic mode is interrupted and an interactive viewing session is initiated for immediately viewing one or more images of a selected study regardless of the percentage already received {See COOKE, Figure 21, col. 30, lines 30-48, wherein this reads over "button 242 halts a queue; button 243 restarts a halted queue"}, wherein said one or more images of said selected study are displayed first using data already in said local cache {See ROTHSCHILD, Para. [0162], wherein this reads over "[t]he central data management system actively "pushes" the electronic records and associated images to the remote image viewing systems . . . as soon as the images are available" }, and second from data obtained from said publication server using progressive image streaming techniques in response to requests for one or more regions of interest (ROI) representing required study data not found in said local cache {See ROTHSCHILD, Para. [0162], wherein this reads over "the "pull" model where the images are stored on a server and a user has to login and initiate a download in order to view the images"; and Para. [0166], wherein this reads over "a web-based 'pull' functionality will also be available to facilitate secure data access"}.

24.   **Claims 8, 11, 14, 19, 22, 24 and 25** are rejected under 35 U.S.C. 103(a) as being

unpatentable over ROTHSCHILD, in view of Krishnan et al (USPGPUB 2006/0031372, hereinafter referred

to as KRISHNAN), filed on 15 February 2005, and published on 9 February 2006.

ROTHSCHILD teaches the limitations of claims 1-10, 12-21, 23-24, and 26-28 for the reasons

stated above.

ROTHSCHILD differs from the claimed invention in that it fails to disclose a system wherein the

JPEG2000 standard is utilized in progressive image streaming techniques (claims 11 and 25).

25.   **As per dependent claims 8, 14, 19, and 24**, ROTHSCHILD, in combination with KRISHNAN,

discloses:

> The system according to claim 1, wherein said publication server is adapted to send said
> one or more studies to said client using progressive image streaming techniques
> whereby information is sent in encoded layers {See ROTHSCHILD, Para. [0104], wherein this
> reads over "the image file . . . is encoded . . . using a commonly recognized standards-based mechanism"}
> wherein each successive layer has higher accuracy and quality than the layer
> previous thereto {See KRISHNAN, Para. [0032], wherein this reads over "schemes that user
> JPEG2000 and JPIP to transmit data in multi-resolution and progressive fashion"}.

26.   **As per dependent claims 11, 22, and 25**, ROTHSCHILD, in combination with KRISHNAN,

discloses:

> The system according to claim 1, wherein said progressive image streaming techniques
> are performed utilizing JPEG2000 standard {See KRISHNAN, Para. [0032], wherein this reads
> over "schemes that user JPEG2000 and JPIP to transmit data in multi-resolution and progressive
> fashion"}.

The combination of the inventions disclosed in ROTHSCHILD and KRISHNAN would disclose a

system wherein the progressive image streaming techniques are performed utilized JPEG2000 standard,

specifically, in a multi-resolution and progressive fashion. Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to combine the inventions suggested by

ROTHSCHILD and KRISHNAN.

One of ordinary skill in the art would have been motivated to do this modification in order to

support the system's progressive functionality such that interaction with the image data of the study is

allowed before it is received in its entirety.

Response to Arguments

27.   Applicant's arguments filed 6 March 2007 have been fully considered but they are not persuasive.

a.   Rejections under 35 U.S.C. 103(a) – Rothschild and Cooke Prior Art

Applicant asserts the argument that "Rothschild does not teach interrupting the current push or pull mode (i.e. automatic mode) of operation and immediately switching to an interactive mode regardless of the amount of data already sent (if any) to the client computer" (See Amendment, page 12). The Examiner respectfully disagrees in that Applicant has applied a piecemeal analysis of the references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Secondly, Applicant further asserts that "the Cooke reference does not teach interrupting the automatic mode and initiating an interactive viewing session" (Amendment, page 13). The Examiner respectfully disagrees. While the Applicant correctly notes that "Cooke disclose simply providing a button in the PACS application that is operative to halt a queue and a second button to restart a queue," the Applicant errs in noting that the present invention "does not simply start and stop a queue" (See Amendment, page 13). Applicant is directed to Paras. [0054]-[0055] of Applicant's Specification which discloses that the OnCall button feature is used "[t]o configure the system for automatic transmission of studies" and wherein "[t]he display 100 also indicates the total number of studies currently <u>queued</u> for transmission and the number of studies that have already been completely received." Accordingly, it is noted that the present invention is directed to the starting and stopping a queue of selected studies.

Thirdly, while Applicant asserts the argument that neither the Rothschild nor Cooke references teach immediately beginning an interactive viewing session regardless of how much of the study was transferred, it is noted that the features upon which applicant relies (i.e., "<u>immediately beginning</u> an interactive viewing session") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The rejected claim recites the step of entering "an interactive mode whereby said

automatic mode is interrupted and an interactive viewing session is initiated for immediately

viewing." Therefore, the rejected claims do no recite a step wherein "immediately beginning an

interactive viewing session," but recite that "an interactive viewing session is initiated" and the

intended use of "immediately viewing one or more images of a selected study" for the interactive

viewing session. It is further noted that the Cooke reference indeed does disclose an interactive

viewing session in that Figure 22 of Cooke shows a Virtual screen section wherein images span

across both screens, while the remaining images are represented by thumbnail images.

Fourthly, Applicant asserts the argument that neither the Rothschild nor Cooke

references disclose that "a user can view selected ROIs of an image [by] first searching locally

cached data and then if not found in the local cache, requesting the ROIs from the publication

server" (See Amendment, page 14). The Examiner respectfully disagrees in that Rothschild

discloses that "[t]he polling system acts in the background of the remote view so that upon the

background poll, data awaiting delivery at the data center is delivered to the remote viewer and

stored by the remote viewer for future access by a user" (See Rothschild, [0098]). Accordingly,

it would have been obvious to one of ordinary skill in the art that Rothschild indeed does disclose

the viewing of an image by first searching locally cached data in that the files are delivered to the

remote viewer so that it is ready for a user to view. That is, the reason for the polling system is

so that the files are made available on the remote viewer (i.e. the local cache), and if said file is

not found, the user may at that time appropriately pull the file from the data center (i.e. the

publication center).

Lastly, Applicant asserts the argument that "[n]either of the Rothschild and Cooke

references, either alone or in combination, teaches interactively viewing an image in an

interactive mode at time before, during or after transmission of a study to the client computer"

(See Amendment, page 14). Applicant is directed to Paragraphs [0170]-[0175] of Rothschild and

column 31, line 26 through column 33, line 25 of Cooke which display various methods wherein

images of the study are displayed to the user.

Accordingly, for the reasons stated above, the claims rejections under 35 U.S.C. 103(a) are sustained.

b.   Rejections under 35 U.S.C. 103(a) – Rothschild and Admitted Prior Art\

As per claim 1, Applicant has not asserted any specific arguments in response to the rejection of the claim. Therefore, the rejections of claim 1 is sustained because Applicant has not presented any specific arguments for overcoming the rejection contained in the prior Office Action, dated 18 September 2006.

c.   Rejections under 35 U.S.C. 103(a) – Rothschild, Cooke, and Krishnan

As per claims 8, 11, 14, 19, 22, and 24-25, Applicant has not asserted any specific arguments in response to the rejections of the claims. Therefore, the rejections of claim 8, 11, 14, 19, 22, and 24-25 are sustained because Applicant has not presented any specific arguments for overcoming the rejection contained in the prior Office Action, dated 18 September 2006.

Conclusion

28.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

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